IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Crl.Rev.Pet.No. 3236 of 2007()

C.C. NO. 1051 OF 2002 OF THE J.F.CM.-I, THRISSUR

REVN. PETITIONER: PETITIONER/COMPLAINANT:

K.N. BALACHANDRAN,
KARUVATHU VALAPPIL HOUSE, VENGINASSERY DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.DAVIS J.CHIRAMEL

RESPONDENTS: ACCUSED AND STATE:

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1. V.K. SASI,
VAZHAKATTIL HOUSE, VENGINASSERY DESOM,
THRISSUR DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 3236 of 2007

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Dated: 12-12-2007

ORDER

Heard both sides.

2. The revision petitioner is the complainant in C.C. 1051 of 2002 of Judl. Fist Class Magistrate-I, Thrissur . The above case was a prosecution under Section 138 of the Negotiable Instruments Act, 1881 in respect of a cheque for Rs. 47,000/- . On 14-12-2004 though the case was called, the complainant was absent and a petition was filed for exemption stating that his maternal aunt had passed away. But the learned Magistrate dismissed the application for exemption and discharged the accused under Section 245 Cr.P.C. on the ground that complainant is not interested in prosecuting the matter.

3. I am not satisfied that the discharge of the accused for the absence of the complainant is not a valid reason and it cannot be sustained. The impugned is accordingly set aside and the matter is remitted to the court below for disposal afresh. C.C. No. 1051 of 2002 shall stand restored to file. Parties shall appear before the court below on ***14-1-2008*** without any further notice.

This Revision is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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